

BOARD OF APPEALS CASE NO. 5028

*

BEFORE THE

**APPLICANTS: Wayne and Erika
Blottenberger**

*

ZONING HEARING EXAMINER

**REQUEST: Variance to construct an
attached garage within the front yard
setback; 1425 Wabash Drive, Bel Air**

*

OF HARFORD COUNTY

*

Hearing Advertised

*

Aegis: 3/15/00 & 3/22/00

HEARING DATE: May 1, 2000

*

Record: 3/17/00 & 3/24/00

* * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicants, Wayne and Erika Blottenberger, are requesting a variance, pursuant to Section 267-35(B), Table III, of the Harford County Code, to construct an attached garage within the 40 foot required minimum front yard setback. The Applicants are proposing a 22 foot setback with an average of 38 feet in an RR Rural Residential District.

The subject property is located at 1425 Wabash Drive, Bel Air, in the Third Election District. The parcel is more specifically identified as Parcel No. 100, Lot 133, in Grid 3B, on Tax Map 35. The parcel contains approximately 1.52 acres, all of which is zoned RR.

Ms. Blottenberger appeared and testified that she and her husband are the owners of the subject property and have lived there for the past 18 years. They are requesting a variance to allow them to construct a two-car attached garage addition on their home in the Cool Spring subdivision. The subject property is located on the end of a cul-de-sac, on a lot with steep to rolling terrain. The home is a ranch style, with an existing garage on one end of the house. The Applicants are proposing to add a new garage addition and convert the existing garage to living space. The topography and shape of the lot, along with the location of the existing septic and well, severely limits the available site for a garage addition. According to Ms. Blottenberger, the restrictive covenants for the subdivision also prohibit the construction of detached or front-facing garage doors. As a result, the only feasible location for the proposed addition is at the end of the existing garage, within the required minimum front yard setback.

Case No. 5028 - Wayne & Erika Blottenberger

The Applicants are proposing a 24 foot by 32 foot addition, only a portion of which will encroach into the required setback. According to the Department of Planning and Zoning's Staff Report, which was admitted into evidence, at the closest point, the proposed addition will be approximately 22 feet from the property line and 30 feet from the paved portion of the road. The average setback will be 38 feet, only two (2) feet less than the minimum requirement of 40 feet. The Department recommended approval of the request.

Ms. Blottenberger further testified that there would be no negative impact to the adjoining properties or to the neighborhood and that she and her husband would comply with any conditions imposed by the Hearing Examiner if the request for the variance is granted. No one appeared in opposition to the request.

CONCLUSION:

The Applicants are requesting a variance to construct a 24 by 32 foot garage addition to their home within the 40 foot front yard setback required by Section 267-35(B), Table III of the Harford County Code. Approval of the request would reduce the setback to 22 feet at the closest point to the property line, with an average resulting setback of 38 feet.

The uncontradicted testimony of the Applicant and the staff report from the Department of Planning and Zoning demonstrate that the property is unique because of its location on a cul-de-sac, its steep to rolling topography, and the applicable restrictive covenants which effectively prohibit the construction of a garage addition if the requested variance is denied. It is clear from the evidence that approval of the requested variance will not be substantially detrimental to adjacent properties nor would it materially impair the purpose of the Code, as supported by the fact that no neighbors appeared in opposition to the request.

Therefore, it is the finding of the Hearing Examiner that the subject property is unique for the reasons stated by the Applicant and the Department and, further, that approval of the variance is in accord with the requirements for such requests as outlined in the Code.

Case No. 5028 - Wayne & Erika Blottenberger

It is the recommendation of the Hearing Examiner that the requested variance to construct a garage addition with a proposed front yard setback of 22 feet at the closest point, and an average setback of 38 feet, be approved, with the condition that the Applicants shall obtain all necessary permits and inspections for the construction of the new garage and for the conversion of their existing garage to living space.

Date JUNE 12, 2000

**Valerie H. Twanmoh
Zoning Hearing Examiner**